

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.,

v.

2:10-cv-265

**FRONTIER COMMUNICATIONS CORP.,
et al.,**

GEOTAG, INC.,

v.

2:10-cv-272

YELLOWPAGES.com LLC

GEOTAG, INC.,

v.

2:10-cv-569

GEORGIO ARMANI S.P.A., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-570

AROMATIQUE, INC., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-571

GUCCI AMERICA, INC., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-572

STARBUCKS CORP., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-573

RENT-A-CENTER, INC., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-574

THE WESTERN UNION COMPANY, *et al.*,

GEOTAG, INC.,

v.

2:10-cv-575

ROYAL PURPLE, INC., *et al.*,

GEOTAG, INC.,

v.

2:10-cv-587

YAKIRA, L.L.C., *et al.*,

GEOTAG, INC.,

v.

2:11-cv-175

WHERE 2 GET IT, INC., *et al.*,

GEOTAG, INC.,

v.

2:11-cv-403

ZOOSK, INC.

GEOTAG, INC.,

v.

2:11-cv-404

**EYE CARE CENTERS OF AMERICA, INC.,
et al.,**

GEOTAG, INC.,

v.

2:11-cv-405

CIRCLE K STORES, INC., *et al.*,

GEOTAG, INC.,

v.

2:11-cv-421

AMERCO, *et al.*,

GEOTAG, INC.,

v.

2:11-cv-424

7-ELEVEN, INC., *et al.*,

GEOTAG, INC.,

v.

2:11-cv-425

SUNBELT RENTALS, INC.

GEOTAG, INC.,

v.

2:11-cv-426

CLASSIFIED VENTURES, LLC

GEOTAG, INC.,

v.

CANON INC., et al.,

2:12-cv-43

WHERE 2 GET IT, INC.,

v.

GEOTAG, INC.

2:12-cv-149

PARTIES' JOINT DISCOVERY AND CASE MANAGEMENT PLAN

Plaintiff GeoTag, Inc. ("GeoTag") and the under-signed Defendants (collectively, "Defendants") respectfully submit the following Joint Discovery and Case Management Plan as required by Federal Rule of Civil Procedure 26(f), Local Patent Rule 2-1, and the Court's Order of April 12, 2012.

- 1. State where and when the conference required by Federal Rule of Civil Procedure 26(f) was held, and identify the counsel who attended for each party, including name, address, bar number, phone and fax numbers, and email address.**

The Federal Rule of Civil Procedure 26(f) conference was held telephonically on June 13, 2012. Except where noted, participating counsel was the signatory for each party below. The name and contact information for such counsel is also included below.

- 2. List the name, address, bar number, phone and fax numbers, and email address of counsel and any unrepresented person who will appear at the Scheduling Conference on behalf of the parties. Appearing counsel must be an attorney of record, have full authority to bind clients and enter into stipulations regarding all matters that may be discussed.**

The counsel who will appear at the Scheduling Conference is the signatory for each party below. The name and contact information for such counsel is also included below.

3. List the correct names of the parties to this action.

The correct names of the parties to this action are included in the signatures below.

4. List any related cases pending in any state or federal court. Include the case numbers, the courts, and how they are related, including the patents involved.

In addition to the above-captioned cases pending in this Court, the following related cases are pending:

Microsoft Corp., et al., v. GeoTag, Inc., Case No. 1:11-cv-175 (D. Del)

Taleo v. GeoTag, Inc., Case No. 1:12-cv-621 (D. Del.).

The above cases are related at least to the extent they involve the same patent (U.S. Patent No. 5,930,474).

5. Briefly summarize in three (3) pages or less: (a) What this case is about, and (b) Each claim or defense.

Plaintiff's Statement:

The GeoTag Texas litigation concerns a single patent – U.S. Patent No. 5,930,474 (the “474 patent”). The ‘474 patent relates generally to the organization of geographical search technology made available through the Internet and its functionality, such as online yellow pages and “store locator” technology found on many websites.

The GeoTag Texas litigation that is the subject of this proceeding commenced in July 2010, when GeoTag sued 14 defendants in a case styled *GeoTag, Inc. v. Frontier Communications Corp., et al.*, No. 2:10-cv-00265, and Yellowpages.com LLC in a case styled *GeoTag, Inc. v. Yellowpages.com LLC*, No. 2:10-cv-00272. These lawsuits involve claims directed at companies whose business operations primarily involve the provision of online directories organized, in part, on the geographic location of the businesses or people that are the subject of the directories. These cases are referred to as the “Online Actions” and the defendants in these cases are referred to as the “Online Defendants.”

Since December 2010, GeoTag filed 16 additional lawsuits directed primarily at online retailers who offer store locator technology as well as website pages relating to job locator or “careers” functionality or other subjects using geographical search functionality. These cases are referred to as the “GeoTag Store Locator Actions” and the defendants in these cases are referred to as the “Store Locator/Careers Defendants.” In March 2011, GeoTag filed a lawsuit against a vendor of store locator technology – Where 2 Get It, Inc. – after Where2GetIt filed a declaratory judgment action in Delaware while engaged in settlement discussions with GeoTag. The Delaware court subsequently transferred the Where2GetIt declaratory judgment action to this Court.

On March 1, 2011, Microsoft Corporation and Google, Inc., filed a declaratory judgment action in Delaware federal court seeking a declaration that the use of Microsoft’s “Bing Maps” service and Google’s “Google Maps” service does not infringe the ‘474 patent and that the ‘474 patent is invalid (the “Delaware Declaratory Judgment Action”). GeoTag has asserted counterclaims against Microsoft and Google asserting that Microsoft and Google products unrelated to store locator technology infringe the ‘474 patent.

The Defendants discuss below the fact that some defendants have renewed a request for a complete stay of all of the GeoTag Texas litigation until the Delaware Declaratory Judgment Action involving Microsoft and Google is finally resolved. As GeoTag explained in its response to renewed motion to stay, these defendants have not even shown that Microsoft or Google provide them with the technology accused of infringement in this litigation.

Many of these so-called “customers” of Microsoft and Google actually have developed their own accused store locator technology or obtain that technology from other third parties, **not** Microsoft and Google. Furthermore, GeoTag does not assert that the “mapping services”

supposedly provided by Microsoft and Google to some defendants are the basis of its infringement claims against those defendants. The asserted claims of the '474 patent are directed to systems and methods for organizing information in a database according to geographical areas and searching the database for information based upon a selected geographical area and displaying the results of the search. The "mapping services" offered by Microsoft and Google at most provide a minor component of the accused systems or methods used by their customers. Furthermore, it is undisputed that dozens, if not hundreds, of defendants do not use any Microsoft or Google mapping services to provide their accused store locator technology, and instead use technology provided by Where2GetIt, Know Where Systems, and other technology providers. Finally, the defendants ignore the fact that GeoTag has accused job locator technology that is not involved whatsoever in the Delaware Declaratory Judgment Action.

Thus, because GeoTag's infringement claims against the Store Locator/Job Locator defendants are not based upon the "mapping services" offered by Microsoft and Google, GeoTag is not pursuing claims against Microsoft and Google based upon their sale or distribution of "mapping services" to any of the defendants, and because the Delaware Declaratory Judgment Action does not involve the job locator technology GeoTag has accused of infringement, the Delaware Declaratory Judgment Action will not resolve GeoTag's infringement claims against the defendants. This is especially so given that the defendants will not agree to be bound by a determination of infringement in GeoTag's favor in the Delaware declaratory judgment actions. Therefore, this Court should deny the renewed motion to stay asserted by some of the defendants for the same reasons it denied the motion to stay in *Levine v. Casio America Inc.*, Civil Action No. 2:11-cv-00056-MHS (E.D. Tex. May 2, 2012).

GeoTag will address the case management plan issues discussed below by Defendants in the separate section of this report dedicated to this issue.

Defendants' Statement:

To date, GeoTag has filed nineteen different lawsuits alleging infringement of the same U.S. Patent No. 5,930,474 ("the '474 Patent"). The two earliest filed lawsuits (Case Nos. 2:10-cv-265 and 2:10-cv-272) are collectively referred to as the "Online Directory Actions" and generally accuse traditional online directories (*e.g.* "www.yellowpages.com") of infringement.

The remaining seventeen lawsuits are directed at simple locator technology found on commercial websites (*e.g.* the "Find a Subway Restaurant" function on www.subway.com) and are thus referred to as the "Locator Actions." All told, GeoTag has sued nearly five hundred entities for alleged infringement in the Locator Actions.

On March 1, 2011, two large providers of online locator services to certain defendants named in the Locator Actions, Microsoft Corp. ("Microsoft") and Google Inc. ("Google") filed a declaratory judgment action in Delaware in an effort to protect their customers and remove the specter of litigation from the locator services they provide. *See Microsoft Corp. v. GeoTag, Inc.*, Case No. 1:11-cv-175 (D. Del) (the "Declaratory Judgment Action").

Because a substantial majority of the Locator Action Defendants are customers of Microsoft and Google, many of the Locator Action Defendants have previously requested that the Court stay the above-captioned actions in favor of the Declaratory Judgment Action. (*See, e.g., GeoTag v. Aromatique, Inc.*, Case No. 2:10-cv-570, Dkt. Nos. 269 and 363 (Motion to Stay)).¹ Movants argued that Microsoft and Google, as the hosts of the accused locator

¹ More recently, Defendants in the more recently filed '404 and '405 actions (*i.e., GeoTag v. Eye Care Centers of America, Inc., et al.*, Case No. 2:11-cv-404 and *GeoTag v. Circle K*

technology, are the real parties in interest in the dispute. Indeed, as recognized by GeoTag in its own filings, Microsoft and Google have a strong interest in removing the “cloud on [their] mapping services” in an effort to protect hundreds of their customer Defendants in the Locator Actions, and thousands of other customers who use the accused technology in essentially the same way as the named Defendants. (*See, e.g., GeoTag v. Aromatique, Inc.*, Case No. 2:10-cv-570, Dkt. No. 358 (Plaintiff’s Motion for Entry of Case Management Plan and Docket Control Order) at 5).

A stay of the Locator Actions allows these issues to be resolved by the real parties in interest—GeoTag, Microsoft, and Google for the substantial majority of the Locator Action Defendants. Given the substantial commonality among the non-infringement defenses of Microsoft, Google, and their respective customers, a summary judgment or jury verdict in favor of Microsoft and/or Google would substantially streamline the Texas Locator Actions. Moreover, a summary judgment or jury verdict in favor of Microsoft and Google in Delaware on validity issues will moot GeoTag’s claims against every defendant in the Texas Actions.²

Turning to the merits of the suit, all Defendants contend that they do not infringe any valid, enforceable claim of the ’474 Patent. Defendants further contend that the ’474 Patent is

Stores, Inc., et al., Case No. 2:11-cv-405) filed motions joining in the previously filed motion to stay in the earlier-filed Locator Actions.

² GeoTag’s reliance on *Levine v. Casio America Inc.*, Civil Action No. 2:11-cv-00056-MHS (E.D. Tex. May 2, 2012) is misplaced, as the *Levine* case is inapposite for at least two reasons. First, *Levine* involved two cases with a combined total of 28 defendants, whereas the GeoTag matters involve some 20 cases and more than 400 defendants. Second, both cases in *Levine* were before the same court. Thus, only one judge would expend judicial resources becoming familiar with the details of both cases, and any concurrent proceedings would offer a low risk of conflicting claim construction opinions. Here, GeoTag urges this Court to allow 20 separate cases involving over 400 defendants to proceed concurrently in two separate jurisdictions. These primary differences between the current case and the *Levine* case negate any judicial economy this Court achieved by allowing the *Levine* cases to proceed simultaneously.

invalid and/or unenforceable. Defendants further contend that they were not on notice of the '474 Patent until service of GeoTag's Complaint in the above-captioned actions. Finally, Defendants contend that Plaintiff has failed to state a claim on which relief may be granted, specifically Plaintiff has failed to state a claim for willful infringement on which relief may be granted.

If the stay requested in the Locator Actions is not granted and to the extent that their actions will proceed in this Court,³ all of the Defendants, including the Locator Action Defendants, request that the Court enter a Case Management Plan for expedited consideration of case dispositive summary judgment motions (including the resolution of limited claim construction issues) in accordance with this District's recent actions in very large multi-defendant cases.⁴ If a stay is granted in the Locator Actions, then only the Online Directory Defendants make this request. As set forth in the Defendants' Case Management Plan (attached as Exhibit B), Defendants request a schedule in which, following a voluntary disclosure of source code and/or other limited technical data and GeoTag's supplementation of its infringement contentions with specific references to such information, Defendants may file summary judgment motions. By way of example, Defendants have already identified a limited

³ Certain Defendants have filed motions seeking transfer to other jurisdictions under Section 1404.

⁴ See *Parallel Networks LLC v. Abercrombie & Fitch Co., et al.*, Case No. 6:10-cv-111, Dkt. No. 338 (E.D. Tex. Mar. 25, 2011); *Uniloc USA, Inc., et al. v. Sony Corp. of Am., et al.*, Case No. 6:10-cv-373, Dkt. No. 126 (E.D. Tex. May 20, 2011); and *Wordcheck Tech, LLC v. Alt-N Techs., Ltd., et al.*, Case No. 6:10-cv-457, Dkt. No. 525 (E.D. Tex. July 20, 2011). Indeed, Judge Folsom previously ordered the Parties to propose Case Management Plans according to the precedents established in the cases above for handling very large multi-defendant cases. See, e.g., Case No. 2:10-cv-570, Dkt. No. 337 (Court Order). After months of negotiation between and among the Defendants as well as with Plaintiff, the Parties proposed competing Case Management Plans to the Court. See, e.g., Case No. 2:10-cv-570 at Dkt. No. 357 (Defendants' Case Management Plan) and Dkt. No. 358 (Plaintiff's Case Management Plan).

number of fundamental disagreements regarding the scope of the Patent-in-Suit. These disagreements include, at the very least, the scope of phrases containing the following claim terms: “dynamic replication,” “entries . . . further organized into topics,” and “database organized into a hierarchy of geographic areas.” As such, a ruling on at least these limited issues raised by Defendants’ requested expedited summary judgment motions will either resolve GeoTag’s claims against Defendants (or a substantial subset thereof) or allow the Parties (or a substantial subset thereof) to mediate GeoTag’s claims more effectively. In any event, Defendants request that disclosures (or further disclosures for some actions) under Federal Rules of Civil Procedure 16 and 26 and Local Patent Rules 3-3 and 3-4 be deferred until after the expedited summary judgment motions have been fully briefed and the Court has had a chance to consider and rule on them and that all discovery that is not germane to briefing the dispositive motions, unless provided for below, similarly be stayed pending the Court’s resolution of such motions.⁵

In the event the Court declines Defendants’ requested stay and Defendants’ requested Case Management Plan, Defendants respectfully request that the Court adopt the schedule and dates set forth in Defendants’ Alternative Proposed Scheduling Order (attached as Exhibit C).

6. List anticipated additional parties that may be included, when they might be added, and by whom.

At this time, the Parties have not identified any additional parties that may be added to the above-captioned actions.

⁵ Defendants Canon Inc. and Canon U.S.A., Inc. (collectively, “Canon”) do not join in this expedited summary judgment request. Canon was not served with this lawsuit until recently, on March 8, 2012, GeoTag only recently answered Canon U.S.A., Inc.’s counterclaims, on June 19, 2012, and Canon Inc. was dismissed without prejudice on June 22, 2012. As such, Canon U.S.A., Inc. has not yet had an opportunity to fully evaluate Defendants’ anticipated motions and cannot join in the expedited summary judgment request at this time. Likewise, Defendant Classified Ventures, LLC does not as yet endorse Defendants’ expedited summary judgment request.

7. List anticipated interveners.

In June of this year, iCIMS, Inc. (“iCIMS”), a provider of talent acquisition software solutions, intervened in nine lawsuits comprising the GeoTag Texas litigation. iCIMS alleges that some of iCIMS’ customers have requested that iCIMS defend and indemnify them with regard to GeoTag’s infringement claims that implicate iCIMS’ job locator functionality. At this time, the Parties have not identified any additional anticipated interveners to the above-captioned actions.

8. Describe the proposed discovery/case management plan, including:

a. In accordance with Rule 26(f):

- i. Any changes that should be made in the timing, form, or requirement for disclosures under Rule 26(a), including when the initial disclosures were made or will be made.**

Plaintiff’s Proposal:

GeoTag proposes a case management plan that incorporates procedures identified by Judge Davis as potentially helpful to resolving patent infringement claims asserted against a large number of defendants efficiently while ensuring that GeoTag is not prejudiced by an unjustified *de facto* stay of its claims pending an unspecified dispositive motion to be filed by the Defendants, as Defendants propose. *See* Exhibit A.

With regard to Initial Disclosures, GeoTag’s case management plan proposed the following:

Within twenty-one (21) days of the date of the entry of the Court’s case management order, each Store Locator Defendant in the GeoTag Actions shall serve its Initial Disclosures and shall include in such Initial Disclosures the following additional information:

(a) the identification of any person who has hosted, created, supplied, or otherwise provided the technology underlying each Accused Instrumentality identified in GeoTag's Infringement Contentions and the technology provided by such person;

(b) whether the Store Locator Defendant has demanded indemnification from any technology provider in connection with GeoTag's Infringement Contentions and if any person has agreed to provide indemnification of the Store Locator Defendant with respect to any of those Infringement Contentions.

Defendants' Proposal:

Initial Disclosures were previously exchanged in the Online Directory Actions. In the event that a stay of the Locator Actions is not granted, the Locator Action Defendants request that Initial Disclosures in the Locator Actions be exchanged following resolution of the requested expedited summary judgment procedure as set forth in the attached Case Management Plan (Exhibit B). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the deadline for Initial Disclosures set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

- ii. **The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on limited issues. (For example, whether fact and expert discovery be conducted in phases.)**

Plaintiff's Proposal:

GeoTag believes discovery will be necessary regarding the following subjects: (1) infringement of the patent-in-suit, including a review of appropriate source code by GeoTag's source code consultants related to infringing website functionality, (2) any prior art/invalidity issues raised by Defendants, (3) damages, including sales, revenue and profit data, click through and conversion data and other website analytics data for infringing website functionality,

licensing of similar technology, and other factors set forth in the *Georgia-Pacific* line of cases regarding reasonable royalty damages, and (4) willfulness and knowledge of the patent-in-suit.

Defendants' Proposal:

Defendants believe discovery may be necessary regarding the following subjects: (1) the patent-in-suit; (2) the prosecution history for the patent-in-suit and related patents; (3) the accused products (including extensive third-party discovery related to non-defendant providers (e.g. Google and Microsoft); (4) prior art; (5) assignment and ownership of the patent-in-suit; and (6) GeoTag's formation, operation, and/or use of the patented invention.

Certain limited disclosures were made early on in the Online Directory Actions pursuant to the local rules of Judge Ward, the district judge then presiding over those actions. Discovery, however, has not moved forward since those disclosures were made. The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that all discovery not germane to briefing the expedited summary judgment motions, unless provided for in the attached Case Management Plan, be stayed pending the Court's resolution of such motions (*see* Exhibit B). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the discovery deadlines set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

iii. In view of the Court's recent order on e-discovery, any issues relating to disclosure and discovery of electronically stored information (ESI), including the form(s) in which it should be produced.

The Parties agree that the Court's current Order Regarding E-Discovery in Patent Cases (*see* Case No. 2:10-cv-570, Dkt. No. 431) should govern the disclosure and discovery of ESI in the above-captioned actions.

iv. The steps already taken or that will be taken for preserving discoverable information, including ESI.

The Parties have taken reasonable steps to preserve all ESI germane to this case, including issuing hold notices to relevant custodians.

v. Any issues relating to claims of privilege or protection, including whether any agreement has been reached as to inadvertent production.

The Parties are in the process of negotiating an Agreed Protective Order and agree to submit it to the Court for consideration by August 1, 2012.

vi. Any changes that should be made in the limitations on discovery imposed by the Rules, whether federal or local, and the Court's Preliminary Discovery Order.

Plaintiff's Proposal:

GeoTag proposes the following limitations on discovery:

A. Interrogatories

Each side is permitted 15 common interrogatories. A common interrogatory, when served by Plaintiff, is an interrogatory served on substantially all Defendants by Plaintiff. A common interrogatory, when served by Defendants, is an interrogatory served on Plaintiff by substantially all Defendants. Plaintiff may serve up to 15 additional interrogatories on each individual Defendant or Defendant Group⁶ pertaining to that Defendant or Defendant Group and each Defendant or Defendant Group may serve up to 15 additional interrogatories on Plaintiff pertaining to that Defendant or Defendant Group.

GeoTag also is permitted 10 interrogatories pertaining to the issue of transfer of venue with respect to any Defendant who has filed a motion to transfer.

⁶ As used herein, the term "Defendant Group" shall refer to related entities (e.g. Polo Ralph Lauren Corp. and Ralph Lauren Media, LLC constitute a Defendant Group). Such related entities are often accused of infringement in the same paragraph of Plaintiff's Complaint.

B. Requests for Admission

Each side is permitted to serve 30 common requests for admission for issues other than authentication of documents. A common request for admission, when served by Plaintiff, is a request for admission served on substantially all Defendants by Plaintiff. A common request for admission, when served by Defendants, is a request for admission served on Plaintiff by substantially all Defendants. Plaintiff may serve up to 30 additional individual requests for admission for issues other than authentication on each Defendant or Defendant Group pertaining to that Defendant or Defendant Group. Each Defendant, or Defendant Group, may serve up to 30 additional individual requests for admission on Plaintiff for issues other than authentication. Each side is permitted an unlimited number of requests for admission for authentication of documents.

C. Fact Depositions

Total Fact Deposition Time: Defendants jointly may take up to 250 hours of oral depositions in all cases, and each Defendant or Defendant Group may take 14 hours of deposition testimony on issues pertaining to that Defendant or Defendant Group. Plaintiff may take a maximum of 20 hours of depositions of persons employed by or affiliated with each Defendant or Defendant Group. Plaintiff may take up to 70 hours of depositions of third parties in all cases. This excludes expert depositions and Rule 30(b)(6) depositions of the parties.

1. *Party Depositions under Rule 30(b)(6):* Plaintiff may take up to 50 hours of 30(b)(6) deposition testimony of each Defendant or Defendant Group. Defendants jointly may take up to 30 hours of 30(b)(6) deposition testimony of Plaintiff, and each Defendant or Defendant Group individually may take up to three (3) hours of deposition testimony of Plaintiff

on issues particularly pertaining to the allegations asserted against that Defendant or Defendant Group.

2. *Depositions of Inventors.* Defendants may jointly take up to 14 hours of deposition testimony of each of the named inventors of the patent-in-suit (including John Veenstra).

D. Depositions of Experts

Plaintiff may take up to 7 hours of deposition testimony of any expert witness for any of the Defendants for each expert report submitted by the expert, and, for any expert witness for a Defendant who submits an invalidity report, Plaintiff may take up to one (1) hour of additional deposition testimony of that expert for each prior art reference in excess of ten (10) prior art references relied upon in the report.

Defendants may take up to seven 7 hours of deposition testimony of any expert witness for Plaintiff for each expert report submitted by the expert, except that, for any expert witness for Plaintiff who submits an expert report on the issue of infringement or damages with respect to multiple defendants, the deposition of that expert shall be limited to two (2) hours of joint examination by Defendants with an additional five (5) hours of examination by each individual defendant on issues in the report particularly pertaining to that Defendant. For example, if an expert issues a report addressing the alleged infringement of [first defendant] and [second defendant], that witness would be subject to up to twelve (12) hours of deposition [2+5+5]. Unless otherwise agreed, the daily limit of seven (7) hours shall apply.

E. Depositions on Written Questions

There are no limits on the number of depositions upon written questions taken pursuant to Fed. R. Civ. P. 31.

Defendants' Proposal:

The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that all discovery not germane to briefing the expedited summary judgment motions, unless provided for in the attached Case Management Plan, be stayed pending the Court's resolution of such motions. After resolution of such motions, the Locator Action Defendants request that the following discovery limitations govern this case (if necessary in view of the Court's resolution of the pending motions in these actions). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants still request that the Court adopt the following discovery limitations for this case.

A. Interrogatories

Each side is permitted 15 common interrogatories. A common interrogatory, when served by Plaintiff, is an interrogatory served on substantially all Defendants by Plaintiff. A common interrogatory, when served by Defendants, is an interrogatory served on Plaintiff by substantially all Defendants. Plaintiff may serve up to 10 additional interrogatories on each individual Defendant or Defendant Group⁷ pertaining to that Defendant or Defendant Group and each Defendant or Defendant Group may serve up to 10 additional interrogatories on Plaintiff.

B. Requests for Admission

Each side is permitted to serve 30 common requests for admission for issues other than authentication of documents. A common request for admission, when served by Plaintiff, is a request for admission served on substantially all Defendants by Plaintiff. A common request for admission, when served by Defendants, is a request for admission served on Plaintiff by

⁷ As used herein, the term "Defendant Group" shall refer to related entities (*e.g.* Polo Ralph Lauren Corp. and Ralph Lauren Media, LLC constitute a Defendant Group). Such related entities are often accused of infringement in the same paragraph of a Complaint.

substantially all Defendants. Plaintiff may serve up to 15 additional individual requests for admission for issues other than authentication on each Defendant or Defendant Group pertaining to that Defendant or Defendant Group. Each Defendant, or Defendant Group, may serve up to 15 additional individual requests for admission on Plaintiff for issues other than authentication pertaining to that Defendant or Defendant group. Each side is permitted an unlimited number of requests for admission for authentication of documents.

C. Depositions

a. Total Fact Deposition Time: Defendants jointly may take up to 200 hours of oral depositions of third-party witnesses in all cases, and each Defendant or Defendant Group may take an additional 21 hours of deposition testimony of third-party witnesses. Defendants jointly may take up to 30 hours of oral depositions of persons employed by or affiliated with Plaintiff, and each Defendant or Defendant Group may take an additional 7 hours of deposition testimony. Plaintiff may take a maximum of 7 hours of depositions of persons employed by or affiliated with each Defendant or Defendant Group. Plaintiff may take up to 70 hours of depositions of third parties in all cases. The limitations in this paragraph do not include expert depositions, Rule 30(b)(6) depositions of the parties, or depositions of the inventors of the patent-in-suit.

b. Party Depositions under Rule 30(b)(6): Plaintiff may take up to 14 hours of 30(b)(6) deposition testimony of each Defendant or Defendant Group. Defendants jointly may take up to 30 hours of 30(b)(6) deposition testimony of Plaintiff, and each Defendant or Defendant Group individually may take up to four (4) hours of deposition testimony of Plaintiff on issues particularly pertaining to the allegations asserted against that Defendant or Defendant Group.

c. Depositions of Inventors. Defendants may jointly take up to 14 hours of deposition testimony of each of the named inventors of the patent-in-suit in addition to the number of hours permitted for third-party, employee, and party depositions above. Thus, for example, if Plaintiff designates John Veenstra as a 30(b)(6) witness, Defendants may take the allotted hours of 30(b)(6) deposition testimony of Mr. Veenstra described in the preceding paragraph in addition to the 14 hours permitted under this paragraph.

D. Depositions of Experts

Plaintiff may take up to 7 hours of deposition testimony of any expert witness for any of the Defendants for each expert report submitted by the expert.

Defendants may take up to seven 7 hours of deposition testimony of any expert witness for Plaintiff for each expert report submitted by the expert, except that, for any expert witness for Plaintiff who submits an expert report on the issue of infringement or damages with respect to multiple defendants, the deposition of that expert shall be limited to two (2) hours of joint examination by Defendants with an additional five (5) hours of examination by each individual defendant on issues in the report particularly pertaining to that Defendant. For example, if an expert issues a report addressing the alleged infringement of [first defendant] and [second defendant], that witness would be subject to up to twelve (12) hours of deposition [2+5+5]. Unless otherwise agreed, the daily limit of seven (7) hours shall apply.

E. Depositions on Written Questions

There are no limits on the number of depositions upon written questions taken pursuant to Fed. R. Civ. P. 31.

- b. In view of the high volume of related cases and the correspondingly high number of parties involved, the parties should propose a joint plan for managing the cases efficiently. Among other issues to be addressed include:**
- i. whether the Court should order consolidated Markman briefing;**
 - ii. whether the cases and parties should proceed in groups and how those groups would be defined; and**
 - iii. any other measures that would conserve the resources of the parties and Court.**

Plaintiff's Proposal:

GeoTag's proposed case management plan (see Exhibit A) is consistent with the principles enunciated by Judge Davis in other multi-defendant cases directed to expedited, efficient and fair disposition of such litigation.

For example, GeoTag's proposed case management plan provides for limited disclosure of information by all parties (e.g. Initial Disclosures, summary financial data and settlement agreements) that will facilitate informal resolution of GeoTag's claims with respect to many Defendants without the need for full-blown discovery.

In addition, given that Microsoft, Google and Where2GetIt have expressly asserted that GeoTag's infringement claims against their customers have "placed a cloud" over their location-oriented services and that they desire an expedited resolution of these claims, GeoTag's proposal gives priority to GeoTag's claims against the customers of these companies sued in the GeoTag Texas litigation. It would be hypocritical for Microsoft, Google and Where2GetIt and their customers whose defense they control to oppose a case management plan that enables them to obtain the expeditious resolution of GeoTag's claims they have told this and other Courts they desperately want.

Moreover, the orders entered by Judge Davis confirm that early mandatory mediation has been an effective tool for facilitating the inexpensive and fair resolution of claims in multi-defendant cases such as this. *See Wordcheck Tech, LLC v. Alt-N Techs., Ltd., et al.*, Civil Action No. 6:10-CV-457, Dkt. No. 525 (E.D. Tex. July 20, 2011) (“the early mediation appears to have been successful because many of the original 124 defendants have now been eliminated from the case.”)

On the other hand, the Defendants’ case management proposal is a thinly disguised motion to stay all discovery in this case pending the filing at some date in the future an unspecified dispositive motion. The Defendants proposal only provides for the “voluntary” disclosure of source code by Defendants and for no other discovery of or disclosures by the Defendants. The Defendants have not provided any description of what dispositive motions it intends to file or the grounds for such motions that would justify such a massive deprivation of GeoTag’s discovery rights.

Thus, GeoTag submits that its proposed case management plan is sensible, fair and will facilitate the efficient resolution of the claims in this complex case.

Defendants’ Proposal:

As previously stated, certain Defendants respectfully request a stay of the Locator Actions in favor of the Delaware Declaratory Judgment actions. A stay of the Locator Actions allows these issues to be resolved by the real parties in interest—GeoTag, Microsoft, and Google with respect to a substantial majority of Defendants. Moreover, for the reasons previously stated, Movants respectfully submit that a stay of the Locator Actions will substantially conserve the resources of both the Parties and the Court.

The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that the Court enter a Case Management Plan for expedited consideration of case dispositive summary judgment motions (including the resolution of limited claim construction issues) in accordance with this District's recent actions in very large multi-defendant cases.⁸ Specifically, as previously stated, Defendants respectfully request that the Court enter the procedure set forth in Defendants' Case Management Plan (attached as Exhibit B). In the event the Court declines Defendants' requested stay and Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the schedule and dates set forth in Defendants' Alternative Proposed Scheduling Order (attached as Exhibit C).

c. Of whom and by when Plaintiff anticipates taking oral depositions.

GeoTag anticipates taking the depositions of persons knowledgeable about: (1) the design, development, architecture, and implementation of each defendant's Accused Instrumentalities; (2) the function and operation of the Accused Instrumentalities, including the systems, subsystems, modules or routines used by the Accused Instrumentalities to perform those functions and operations; (3) each defendant's implementation and use of any Accused Instrumentalities, including the nature, purpose and duration of such use; (4) the differences in the function and operation of each version of the Accused Instrumentalities used by each defendant; (5) the commercial success of each defendant's Accused Instrumentalities; (6) the value to each defendant of each of the Accused Instrumentalities, including, but not limited to,

⁸ Plaintiff's reliance on *Wordcheck* is misplaced. As noted in Section 5, Defendants have already identified a limited number of fundamental disagreements regarding the scope of the Patent-in-Suit. These disagreements include, at the very least, the scope of the following claim terms: "dynamic replication," "entries . . . further organized into topics," and "database organized into a hierarchy of geographic areas." The Parties' disagreements on the scope of the asserted Patent including these terms, have been discussed during a number of the settlement conferences and WebEx sessions referenced in Section 10b below.

any value related to increased revenue, increased profit, improved in-store sales or reduced costs; (7) the benefit/detriment associated with adding/removing each of the Accused Instrumentalities; (8) studies, investigations, comparisons, reports, metrics regarding the financial or business impact of any of the Accused Instrumentalities; (9) any market or consumer research, study and/or survey, undertaken with respect to any Accused Instrumentalities; (10) each defendant's online and in-store in the United States; (11) the investment (both in terms of manpower and money) related to the research, design, creation, development, implementation, deployment, maintenance, and support of each of the Accused Instrumentalities; (12) the business case/business plan regarding the decision to implement each of the Accused Instrumentalities and/or support for each of the Accused Instrumentalities; and (13) the identity and content of any license agreement related in any way to any Accused Instrumentalities.

d. Of whom and by when Defendant anticipates taking oral depositions.

Defendants believe depositions of the following individuals may be necessary: (1) the inventors of the '474 Patent; (2) the prosecuting attorney(s) of the '474 Patent; (3) GeoTag's officers, directors, and employees; (4) third-party witnesses related to identified prior art and/or third-party systems accused of infringement (*e.g.*, Google and Microsoft); and (5) third-party witnesses related to the chain of title of the patent-in-suit.

The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that all depositions not germane to briefing the expedited summary judgment motions, unless provided for in the attached Case Management Plan, be stayed pending the Court's resolution of such motions. The Parties, in accordance with the attached Case Management Plan, will negotiate a deadline for the close of fact discovery (*see* Exhibit B). In the event the Court does not adopt Defendants' requested Case

Management Plan, Defendants respectfully request that the Court adopt the discovery deadlines set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

e. When Plaintiff (or the party with the burden of proof on an issue) anticipates taking expert depositions and the anticipated completion date.

GeoTag anticipates taking expert deposition after Defendants' expert witnesses serve their expert reports as provided in the Court's docket control order.

f. When the opposing party anticipates taking expert depositions and the anticipated completion date.

The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that all depositions not germane to briefing the expedited summary judgment motions, unless provided for in the attached Case Management Plan, be stayed pending the Court's resolution of such motions. The Parties, in accordance with the attached Case Management Plan, will negotiate a deadline for the close of expert discovery (*see* Exhibit B). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the discovery deadlines set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

g. Whether the Court should authorize the filing under seal of any documents containing confidential information.

The Parties are in the process of negotiating an Agreed Protective Order, which will govern the authorization for filing document under seal in the above-captioned actions. The Parties agree to submit it to the Court for consideration by August 1, 2012.

h. If the Parties disagree on any part of the discovery plan, describe the opposing views.

The Parties' opposing views are set forth above in each specific section.

9. Specify any discovery beyond the initial disclosures that has taken place to date.

As previously mentioned, pursuant to Judge Ward's standing order, all Parties in the Online Directory Actions made documents including source code available to GeoTag. In addition, GeoTag has made limited document productions in a subset of the Locator Actions.

10. State the progress made toward settlement, and the present status of settlement negotiations by providing the information set out below.

a. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.

Plaintiff's Proposal:

GeoTag believes that early mandatory mediation with select groups of defendants would be conducive to informal resolution of GeoTag's claims. For example, certain law firms represent large numbers of defendants. Early mediation involving the law firms representing these large groups of defendants would enable the parties to efficiently explore the possibility of settlement involving a large number of defendants at one time. Similarly, early mediation involving technology providers who are indemnifying groups of defendants would also provide such efficiencies.

Defendants' Proposal:

As indicated above and in Defendants' Case Management Plan, certain Locator Action Defendants believe that a stay of the Locator Actions will allow GeoTag's claims to be more efficiently resolved by the real parties in interest (*i.e.*, GeoTag, Microsoft, and Google). Moreover, a summary judgment or a jury verdict in favor of Microsoft and Google in Delaware finding the Patent-in-Suit to be invalid will moot GeoTag's claims against every defendant in the Texas Actions. In the event that a stay is not granted, Defendants believe that a ruling on the expedited summary judgment motions will either resolve GeoTag's claims against Defendants (or a substantial subset thereof) or allow the Parties (or a substantial subset thereof) to mediate

GeoTag's claims more effectively (*see* Exhibit B). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the mediation deadlines set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

b. Describe what each party has done or agreed to do to bring about a prompt resolution of this case.

GeoTag has already contacted virtually every Defendant in the GeoTag Texas litigation about settlement. Attached as Exhibit D is a spreadsheet prepared by GeoTag identifying the settlement efforts of the parties to date, including WebEx conferences with Defendants during which GeoTag made a detailed presentation regarding the terms for possible settlement of GeoTag's claims. To date, GeoTag indicates that 32 Defendants have entered into settlements and 68 Defendants have been voluntarily dismissed.

c. State whether a demand and an offer have been made.

Demands have been made to the majority of the Defendants. Given the large number of Defendants in these actions, however, the Parties cannot say with certainty that a demand has been made to each named Defendant.

d. If the parties have agreed on a specific mediator, state the name and address of the mediator and at what stages of the litigation mediation is most appropriate.

The Parties request that the Court appoint James Knowles as a mediator for these actions. Given the large number of defendants located throughout the country, GeoTag also proposes using Francis McGovern of Duke University to assist the parties in the mediation effort. Defendants are considering GeoTag's additional proposal of Professor McGovern and will be prepared to address it or alternative proposals at the July 11, 2012 Scheduling Conference.

Plaintiff's Proposal:

GeoTag believes that early mandatory mediation with select groups of defendants would be conducive to informal resolution of GeoTag's claims. For example, certain law firms represent large numbers of defendants. Early mediation involving the law firms representing these large groups of defendants would enable the parties to efficiently explore the possibility of settlement involving a large number of defendants at one time. Similarly, early mediation involving technology providers who are indemnifying groups of defendants would also provide such efficiencies.

Defendants' Proposal:

The Online Directory Defendants and, in the event that a stay of the Locator Actions is not granted, the Locator Action Defendants also, request that early mediation be ordered in accordance with the attached Case Management Plan (Exhibit B). In the event the Court does not adopt Defendants' requested Case Management Plan, Defendants respectfully request that the Court adopt the mediation deadlines set forth in Defendants' Alternative Proposed Scheduling Order (Exhibit C).

11. State whether a jury demand has been made and if it was made on time.

A timely jury demand was made within the Original Complaint in each of the above-captioned actions.

12. List all pending motions.

Case No. 2:10-cv-265:

- Defendant Yelp!, Inc.'s Sealed Motion to Disqualify GeoTag's Counsel (Dkt. No. 220).
- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 257).

Case No. 2:10-cv-272:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 80).

Case No. 2:10-cv-569:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 97).
- Various Defendants' Motion to Stay (Dkt. No. 104).

Case No. 2:10-cv-570:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 358).
- Various Defendants' Motion to Stay (Dkt. No. 363).
- Defendants AT&T Mobility LLC and AT&T Services Inc.'s Motion to Sever and Transfer to the Northern District of Texas (Dkt. No. 444).

Case No. 2:10-cv-571:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 310).
- Various Defendants' Motion to Stay (Dkt. No. 317).

Case No. 2:10-cv-572:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 320).
- Various Defendants' Motion to Stay (Dkt. No. 323).
- Defendant Godfather's Pizza Inc.'s Motion to Sever and Transfer (Dkt. No. 381).

Case No. 2:10-cv-573:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 223).
- Various Defendants' Motion to Stay (Dkt. No. 226).
- Defendant The Reinalt-Thomas Corp.'s Motion to Dismiss for Misjoinder or, in the alternative, to Sever and Transfer (Dkt. No. 271).

Case No. 2:10-cv-574:

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 458).
- Various Defendants' Motion to Stay (Dkt. No. 463).

Case No. 2:10-cv-575

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 414).
- Various Defendants' Motion to Stay (Dkt. No. 417).

Case No. 2:10-cv-587

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 243).
- Various Defendants' Motion to Stay (Dkt. No. 247).
- Defendant Mexican Restaurants, Inc. Unopposed Motion for Substitution of Counsel (Dkt. No. 296).

Case No. 2:11-cv-175

- Plaintiff's Motion for Entry of Case Management Plan and Docket Control Order (Dkt. No. 216).
- Various Defendants' Motion to Stay (Dkt. No. 219).

Case No 2:11-cv-403

- Defendant Zoosk, Inc.'s Motion to Stay (Dkt. No. 32).
- Defendant Zoosk, Inc.'s Motion to Change Venue (Dkt. No. 35).

Case No 2:11-cv-404

- Various Defendants Motion to Drop Parties for Misjoinder (*See* Dkt. No. 110; *see also* Case No. 2:11-cv-405, Dkt. No. 33).
- Various Defendants' Motion to Stay (Dkt. No. 307).

Case No 2:11-cv-405

- Various Defendants Motion to Drop Parties for Misjoinder (Dkt. No. 33).
- Defendant Freds Inc.'s Motion to Dismiss for Lack of Jurisdiction (Dkt. No. 141).

- Various Defendants’ Motion to Stay (Dkt. No. 355).
- Defendant J. Crew Group Inc.’s Motion to Sever and Transfer to the Southern District of New York (Dkt. No. 372).
- Defendant Freds Inc.’s Motion to Sever and Transfer (Dkt. No. 378).

Case No 2:11-cv-426

- Defendant Classified Ventures, LLC’s Motion to Change Venue (Dkt. No. 31).

Case No 2:12-cv-43

- Defendant Canon U.S.A. Inc.’s Motion to Stay (Dkt. No. 25).

13. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the Court at the Scheduling Conference.

Statement by Defendants:

As the Court is well aware the America Invents Act (the “AIA”) became effective on September 16, 2011. Nearly one hundred defendants were joined to later filed actions (namely, Case Nos. 2:11-cv-404 and 2:11-cv-405) after the effective date of the AIA. This post-AIA joinder violates the statutory provisions of the AIA as set forth in Defendants’ Motion to Dismiss for Improper Joinder. See Case No. 2:11-cv-405, Dkt. No. 33. Accordingly, the Locator Action Defendants submit that all Defendants joined to these actions post-AIA should be dismissed without prejudice.

In addition, many of the Defendants in the earlier-filed, above-captioned actions were joined to these actions prior to the AIA effective date. In particular, the Defendants in Case Nos. 2:10-cv-569 through 2:10-cv-575, 2:10-cv-587, and 2:11-cv-175 were joined pre-AIA. Recent Federal Circuit precedent suggests that GeoTag’s joinder of multiple defendants in its pre-AIA cases was also improper. *See In re EMC Corp.*, 677 F.3d 1351 (Fed. Cir. 2012).⁹ The

⁹ Indeed, GeoTag admits that these Defendants have been improperly joined under *EMC* (see below). However, GeoTag’s proposed remedy (*i.e.* to have the Court “deem severed” these

Locator Action Defendants in these pre-AIA cases, however, have agreed to refrain from moving to dismiss in furtherance of their priority to find the most expeditious and least burdensome way to resolve these cases, which, as noted above, is either (1) a stay of the Locator Actions pending the outcome of the Delaware cases, or (2) allowance of expedited summary judgment proceedings in accordance with the attached Case Management Plan.¹⁰

Statement by Plaintiff:

In view of the Federal Circuit's decision in *In Re EMC Corporation*, Misc. Docket No. 100 (Fed. Cir. May 4, 2012), GeoTag agrees that severance of the claims against the Defendants in these actions is proper where the Defendants are "not acting in concert" and there are no "overlapping facts that give rise to each cause of action." *Id.* at slip op. 15. As the Federal Circuit explained, factual considerations in determining whether the joinder test is satisfied include: (1) "whether the alleged acts of infringement occurred during the same time period, (2) the existence of some relationship among the defendants," (3) "the use of identically sourced components or technology agreements between the defendants," (4) "overlap of the products' or processes' development and manufacture," and (5) "whether the case involves a claim of lost profits." *Id.* at slip op. 16. GeoTag believes that, with respect to at least some of the Defendants in these actions, some of these facts may exist and joinder of these defendants would be appropriate. Furthermore, discovery in this case will likely reveal these facts establishing that joinder of some or all of the Defendants in these actions was appropriate.

actions) is not a proper remedy under Federal Rule of Civil Procedure 21 and essentially abrogates the central holdings of *EMC*. *See id.* at 1360 (trial court has discretion to consolidate for pretrial purposes and trial only "where venue is proper and there is only 'a common question of law or fact'"); *see also* Fed. R. Civ. P. 21 (remedy for misjoinder limited to dropping a party or severance).

¹⁰ In addition, as noted above, certain Locator Action Defendants have moved to sever and/or transfer GeoTag's claims against them to other, more convenient forums, as the most expeditious and least burdensome way to resolve these claims.

Nevertheless, GeoTag has determined that it is not necessary to force the Court to determine whether GeoTag's joinder of some or all of the Defendants in the GeoTag Texas litigation was appropriate. Instead, GeoTag believes that the most prudent and procedurally proper course for the Court to take is to "deem severed"¹¹ at this time GeoTag's claims against the Defendants and then simultaneously consolidate all of these severed actions with all of the other GeoTag actions pending before this Court for pre-trial purposes, such as claim construction, pursuant to rule 42(a) of the Federal Rules of Civil Procedure. The Court can determine whether to consolidate any of these severed actions for trial at a later date based upon a more complete record enabling the Court to assess the fairness and efficiencies of a consolidated trial involving two or more Defendants.

14. Certify that all parties have filed Disclosure of Interested Persons as directed in paragraph 3 in the Order to Meet, Report, and Appear at Scheduling Conference, listing the date of the original and any amendments.

The undersigned Parties have filed a Disclosure of Interest Persons and/or a Corporate Disclosure Statement pursuant to Federal Rule of Civil Procedure 7.1 in accordance with the Court's directives.

15. Proposed Dates for Scheduling.

GeoTag's proposed dates for scheduling and proposed Case Management Plan are attached as Exhibit A.

Defendants' proposed dates for scheduling and proposed Case Management Plan are attached as Exhibit B.

Defendants' Alternative Proposed Scheduling Order is attached as Exhibit C.

¹¹ GeoTag uses the term "deem severed" to reflect that the Court should avoid the needless administrative headache of creating separate action numbers for each of the Moving Defendants if GeoTag's claims against these Moving Defendants and their counterclaims against GeoTag are to be consolidated for pretrial purposes.

Dated: June 27, 2012

Respectfully submitted,

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